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UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY

In the Matter of:	:	Chapter 12
	:	
ANTHONY M. MORTELLITE, JR. and	:	Case No.: 17-21818/ABA
COLLEEN MORTELLITE,	:	
	:	
Debtors.	:	Hearing Date: 10/5/17 at 10:00 a.m.
	:	
In the Matter of:	:	
	:	Chapter 12
BLUES BROTHERS, LLC,	:	
	:	Case No.: 17-21820/ABA
Debtor.	:	
	:	(Jointly Administered)
	:	

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**DEBTORS' FIRST AMENDED  
CHAPTER 12 PLAN OF REORGANIZATION**

Anthony M. Mortellite, Jr. and Colleen Mortellite, and Blues Brothers, LLC (the "**Debtors**"), are the Debtors in cases jointly administered by Order of the Court dated June 22, 2017, and they respectfully submit the following Plan of Reorganization (the "**Plan**") pursuant to 11 U.S.C. §§ 1221 and 1222:

**I. INTRODUCTION**

**A. The Debtor's Operations**

The Debtor, Blues Brothers, LLC, is a two member limited liability company registered in the State of New Jersey, and it operates the farm owned by Anthony M. Mortellite, Jr. located in Winslow Township, New Jersey. The members are Anthony M. Mortellite, Jr. and Colleen Mortellite. The Mortellites own a home at 564 11<sup>th</sup> St., Hammonton, New Jersey 08037, where they reside with their 11 year old twin sons. Colleen Mortellite is a homemaker and does not have any outside independent source of income, except minimal income from a hobby business. Anthony M. Mortellite, Jr. owns a 109 acre blueberry and blackberry farm located in Winslow Township, New Jersey, wherein this year, 2017, he planted 80 acres of blueberries and 4 acres of blackberries. The farming operation produces the sole source of income for the Mortellite family (except for wife's income from the hobby business).

In 2017, the farm has produced between the date of the filing of the petition and September 30, 2017 gross income of \$289,440.05. By the end of November, the Debtor is expecting its final payment from Donio in the approximate amount of \$44,000.00. This is based upon the sale to Donio of 112,980 pounds of frozen blueberries and 9,524 pounds of juice. Thus, the total receipts for 2017 will be \$289,440.05 plus the payment from Donio. Blues Brothers, LLC has incurred the following expenses that it has paid since the date of filing, June 8, 2017:

Labor	\$130,987.81
Farm supplies	\$ 3,223.81

Repairs	\$ 6,279.29
Fuel	\$ 2,905.00
Maintenance	\$ 2,340.00
Truck and yard	\$ 137.80
Misc.	\$ 239.00
Real estate taxes	<u>\$ 1,551.54</u>
Total expenses paid between 6/8/17, the date of filing, and 9/30/17	\$147,664.25

In addition thereto, cash collateral orders have allowed the payment to the Mortellites individually of \$17,750.00. Additionally, \$130,000.00 has been paid to Farm Credit East on account of adequate protection payments.

**B. The Real Property**

As stated above, Anthony M. Mortellite, Jr. and Collen Mortellite own a single family residence located at 564 11<sup>th</sup> St., Hammonton, New Jersey 08037, as tenancy by the entirety, and that property has an approximate value of \$225,000.00. There is a mortgage on that property held by Arvest Central Mortgage Co., which filed a secured Proof of Claim in the amount of \$188,197.60. With respect to the farm property, the farm property is owned solely by Anthony M. Mortellite, Jr. The farm property in Winslow Township, New Jersey on Shady Lane, Block 5602, Lot 10 and Block 5602, Lot 10.01, and Block 5715, Lot 3, Waterford Rd., Block 5715, Lot 3.01, Waterford Rd., and Block 5715, Lot 2, Waterford Rd., all in Winslow Township, New Jersey, and consisting of approximately 109 acres, of which in 2017, 80 acres were planted with blueberries and 4 acres were planted with blackberries. The remainder of the land was not planted. Farm Credit East

holds a first mortgage on the Debtor's farm and filed a secured Proof of Claim in the amount of \$1,663,352.46. There is a second mortgage on the Debtor's farm held by the United States of America acting through USDA-Farm Service Agency, which filed a secured Proof of Claim in the amount of \$32,943.60. The Debtor's farm was valued by Edwin F. Kay, a licensed and certified real estate appraiser specializing in farm properties, who valued the farm as of May 21, 2017 as having a current market value of \$600,000.00. Farm Credit East had representatives inspect the farm. Farm Credit East's appraisers have valued the farm at \$2,231,000.00.

**C. Farm Credit East, ACA**

Farm Credit East, ACA has filed a Proof of Claim as a secured Proof of Claim in the Anthony M. Mortellite, Jr. and Colleen Mortellite bankruptcy case (claim number 7) in the amount of \$1,663,352.46, claiming a security interest by virtue of a mortgage on the farm, lien on crops, a lien on accounts receivable, and a second lien on machinery and equipment. Farm Credit East, ACA has filed a secured claim in the Blues Brothers, LLC bankruptcy (claim number 3) in the amount of \$1,663,352.46, claiming a lien on crops, accounts receivable and inventory. Farm Credit East, ACA has recognized that United States of America acting through USDA-Farm Service Agency has a first security interest on machinery and equipment, with the Farm Credit East, ACA lien on machinery and equipment in second position. The Chapter 12 Plan requires the fixing of the allowed secured claim of Farm Credit East, ACA against the Debtors, Anthony M. Mortellite, Jr. and Colleen Mortellite and against the Debtor, Blues Brothers, LLC. Anthony M. Mortellite, Jr. and Colleen Mortellite and Blues Brothers, LLC are jointly and severally responsible for the debt owed to Farm Credit East, which they have claimed in the amount

of \$1,663,352.46 in each of the cases. The Debtors are asserting that the allowed secured claim will be substantially lower in amount than \$1,663,352.46, and will ask the Court to fix the allowed amount of the claim. The Debtors have a real estate appraisal for the farm property valuing the farm property at \$600,000.00. The Court will be asked to fix the value of the machinery and equipment after taking into account the value of machinery and equipment being turned over to the USDA, which has the first lien on said machinery and equipment. The Debtors have paid adequate protection payments to Farm Credit East of \$130,000.

**D. Events Leading to Bankruptcy**

The event leading to filing of the Chapter 12 petitions was the Sheriff's sale scheduled by Farm Credit East, ACA to sell at foreclosure sale the farm property.

**II. GENERAL PLAN PROVISIONS**

**A. Plan of Reorganization**

This Plan is a plan of reorganization. In other words, the Debtors seek to retain all of their assets and to continue operations by restructuring their debt under the Plan.

**B. Effective Date of Plan**

The effective date (the "**Effective Date**") of the proposed Plan is thirty days after the date on which the confirmation Order is entered.

**C. Debtor as Disbursing Agent**

Under this Plan, the Debtor, Anthony M. Mortellite, Jr., and not the Chapter 12 Trustee, shall act as the disbursing agent for the Plan, except the Chapter 12 Trustee will act as disbursing agent for payment of all amounts to priority and general unsecured claims in the Estate of Anthony and Colleen Mortellite and in the Estate of Blues Brothers, LLC.

This is permitted under 11 U.S.C. § 1226, which provides in relevant part, “[e]xcept as otherwise provided in the plan or in the order confirming the plan, the trustee shall make payments to creditors under the plan.” 11 U.S.C. § 1226(c). Additional support for the proposition that a chapter 12 debtor may act as disbursing agent can be found in 11 U.S.C. § 1226, which provides in relevant part, “[e]xcept as otherwise provided in the plan or in the order confirming the plan, the trustee shall make payments to creditors under the plan.” 11 U.S.C. § 1226(c).

**D. Claims Against the Debtor**

Fed. R. Bankr. P. 3002 provides in relevant part as follows:

(a) Necessity for filing. An unsecured creditor or an equity security holder must file a proof of claim or interest for the claim or interest to be allowed, except as provided in Rules 1019(3), 3003, 3004, and 3005.

...

(c) Time for filing. In a chapter 7 liquidation, chapter 12 family farmer's debt adjustment, or chapter 13 individual's debt adjustment case, a proof of claim is timely filed if it is filed not later than 90 days after the first date set for the meeting of creditors called under § 341(a) of the Code [11 USCS § 341(a)] ...

Fed. R. Bankr. P. 3002.

Here, the first date set for the meeting of creditors was July 17, 2017. As such, the deadline to file non-governmental proofs of claim is October 16, 2017. Those creditors that fail to file proofs of claim by the deadlines provided for in Fed. R. Bankr. P. 3002 shall not be entitled to any distribution under the Plan, and upon the Debtor's discharge, said claims shall be deemed legally void.

The following Proofs of Claim were filed in the Anthony M. Mortellite, Jr. and

Colleen Mortellite bankruptcy:

Proof of Claim #	Creditor	Claim Information	Amount of Claim
1	Americredit Financial Services, Inc., d/b/a GM	Secured claim – 2015 Chevrolet Silverado	\$36,448.02
2	Winslow Township Tax Collector	Secured claim - Property taxes on Block 5602, Lot 10 Q Farm	\$160.29
3	Winslow Township Tax Collector	Secured claim – Property taxes on Block 5706, Lot 6	\$1,001.71
4	Winslow Township Tax Collector	Secured claim – Property taxes on Block 5706, Lot 6 Q Farm	\$276.68
5	Winslow Township Tax Collector	Secured claim – Property taxes on Block 5715, Lot 3 Q Farm	\$633.88
6	Internal Revenue Service	Priority claim	\$-0-
7	Farm Credit East	Secured claim – Mortgage on farm, lien on crops, accounts receivable and machinery	\$1,663,352.46
8	Capital One Bank, USA	Unsecured claim	\$8,909.13
9	Wells Fargo Bank, N.A.	Secured claim – lien on 2015 Chevrolet Tahoe truck Unsecured claim	\$49,400.00 \$19,009.59
10	Capital One Bank, USA	Unsecured	\$1,716.74
11	Arvest Central Mortgage Co.	Secured claim – mortgage on 564 11 <sup>th</sup> St., Hammonton, NJ 08037	\$188,197.60
12	Kubota Credit Corp.	Unsecured claim	\$28,910.05
13	United States of America acting through USDA-Farm Service Agency	Secured claim – first lien on machinery and equipment, second lien on debtor's farm real estate	\$32,943.60
14	CNH Industrial Capital America, LLC	Secured claim – lien on 95N Case IH 11 Farmall tractor	\$7,701.66
15	Kubota Credit Corp.	Secured claim – lien on Kubota M8540	\$13,879.23
16	State of New Jersey, Division of Taxation	Priority tax claim	\$-0-
17	Mid-lantic Labeling & Packaging, LLC	Unsecured claim	\$41,203.89

18	Wells Fargo Bank, N.A.	Secured claim amount Total claim amount	\$2,039.87 \$3,337.15
19	Deere & Co.	Secured claim amount Total claim amount	\$38,700.00 \$63,003.13
20	Portfolio Recovery Assoc.	Unsecured claim	\$5,592.54
21	Lance Henry	Unsecured claim Post Petition claim	\$292,357.12 \$137,747.93
22	Capital One Bank	Unsecured claim	\$965.68

The following Proofs of Claim were filed in the Blues Brothers, LLC bankruptcy:

Proof of Claim #	Creditor	Claim Information	Amount of Claim
1	Internal Revenue Service	Priority General Unsecured	\$389.09 \$11,552.34
2	Kubota Credit Corp.	Unsecured claim	\$28,910.05
3	Farm Credit East	Secured claim – lien on crops, accounts receivable and inventory	\$1,663,352.46
4	Lee Rain, Inc.	Unsecured claim	\$2,385.57
5	CNH Industrial Capital America, LLC		\$0
6	State of New Jersey, Division of Taxation	Priority tax claim	\$1,371.75
7	Kubota Credit Corp.	Secured claim – lien on Kubota M8540HD	\$13,879.23
8	Deere & Co.	Secured claim amount Total claim amount	\$38,700.00 \$63,003.12

#### **E. Definitions**

All terms not otherwise defined herein, shall have the definitions used in the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the Local Rules of the United States Bankruptcy Court for the District of New Jersey.

#### **F. Retention of Jurisdiction**

Under this Plan, the United States Bankruptcy Court for the District of New Jersey shall retain jurisdiction of the above-captioned chapter 12 bankruptcy case until the Debtor completes all of its Plan payments provided for herein and receives a discharge under 11 U.S.C. § 1228.



**G. Means of Effectuating the Plan**

The farm is owned by the Debtor, Anthony M. Mortellite, Jr., and his company, Blues Brothers, LLC, operates the farm by farming the land, harvesting the fruit grown on the land, paying the expenses to operate the farm, and paying a reasonable sum to the Mortellite family for operating the LLC. The fruit is grown on farm property owned by the individual Debtor. Thus, it is the position of the joint Debtors that the proceeds of sale of fruit belong to both Debtors. It is from the proceeds of the sale of fruit that the Debtor will be paying the payments necessary to effectuate the Plan.

**III. PAYMENTS TO BE MADE UNDER THE PLAN**

In accordance with 11 U.S.C. § 1222(a)(1), the Debtors shall pay such portion of their future income from on-going operation of the farm as is necessary for the execution of this Plan. Payments to be made under the Plan consist of the following:

**A. Secured Claims Against Anthony M. Mortellite, Jr. and Colleen Mortellite**

**i. Winslow Township Tax Collector**

The Winslow Township Tax Collector filed secured claims 2, 3, 4 and 5 in the Anthony M. Mortellite, Jr. and Colleen Mortellite bankruptcy. These claims will be paid in full on the effective date of the Plan after the confirmation order is entered.

**ii. Americredit Financial Services, Inc., d/b/a GM**

Americredit Financial Services, Inc., d/b/a GM filed secured claim number 1 in the Anthony M. Mortellite, Jr. and Colleen Mortellite bankruptcy on account of a lien on a 2015 Chevrolet Silverado. That vehicle has been repossessed pursuant to an Order Granting Motion for Relief from Stay entered by the Court on July 25, 2017. This creditor

no longer has a valid secured claim, and thus, will receive no payment as a secured creditor.

**iii. Wells Fargo Bank, N.A.**

Wells Fargo Bank, N.A. filed secured claim number 9 in the Anthony M. Mortellite, Jr. and Colleen Mortellite bankruptcy pursuant to a lien on a 2015 Chevrolet Tahoe truck. That vehicle was returned by the Debtor, Anthony M. Mortellite, Jr., to the creditor, who no longer has a valid secured claim because it has obtained return of its collateral. A Consent Order was entered on August 15, 2017 granting Application Vacating Automatic Stay. This creditor will receive no payment as a secured creditor.

**iv. Arvest Central Mortgage Corp.**

Arvest Central Mortgage Corp. filed secured claim number 11 in the Anthony M. Mortellite, Jr. and Colleen Mortellite bankruptcy pursuant to a mortgage on 564 11<sup>th</sup> St., Hammonton, New Jersey 08037. The Debtors will continue to make regular monthly payments on account of the mortgage on 564 11th St., Hammonton, New Jersey 08037 in accordance with their contractual agreement. The creditor will retain its mortgage lien.

**v. United States of America acting through USDA-Farm Service Agency**

The United States of America acting through USDA-Farm Service Agency filed secured claim number 13 in the Anthony M. Mortellite, Jr. and Colleen Mortellite bankruptcy, claiming a first lien on machinery and equipment and a second lien on the Debtor's farm real estate. The claim was filed in the amount of \$32,943.60. This creditor is totally under-secured with regard to its mortgage lien on the debtor's farm real estate, and therefore, unsecured pursuant to § 506 of the Bankruptcy Code. With respect to its first lien on machinery and equipment, it is recognized as first by Farm Credit East. The

debtor will surrender personal property securing the claim to the claimant having a value equal to or greater than the allowed amount of the secured claim. The equipment to be surrendered is as follows: 35D John Deere Excavator (believed to be worth at least \$29,000.00); Lee Rain Sprayer (believed to be worth at least \$4,500.00); and Perfecta Harrow (believed to be worth at least \$1,200.00). To the extent that the property surrendered exceeds the allowed amount of the secured claim, the USDA shall liquidate such property, pay off its claim and pay over immediately left over proceeds to Farm Credit East, which has a second lien on machinery and equipment owned by the Debtor, Anthony M. Mortellite, Jr.

To the extent that the USDA seeks help from Anthony Mortellite to liquidate the property being surrendered so that the entire claim, including any post-petition interest, can be paid, the Debtor will participate in such liquidation to the extent that the USDA authorizes. If the equipment being surrendered is insufficient to produce monies to pay off the allowed amount of the secured claim of the USDA, including such interest that accrues, then the USDA can designate additional equipment to be surrendered and liquidated so that its claim is paid in full.

**vi. CNH Industrial Capital America, LLC**

CNH Industrial Capital America, LLC filed secured claim number 14 in the Anthony M. Mortellite, Jr. and Colleen Mortellite bankruptcy. The debtor transferred this creditor's collateral, a 95N Case IH 11 Farmall tractor, to Kubota Credit Corp. pre-petition. The debtor no longer has the collateral, and therefore, the creditor is unsecured and will be treated as an unsecured creditor. This creditor will not be paid as a secured creditor.

**vii. Kubota Credit Corp.**

Kubota Credit Corp. filed secured claim number 15 in the Anthony M. Mortellite, Jr. and Colleen Mortellite bankruptcy pursuant to a lien on a Kubota M8540. The debtor will surrender the equipment, and this will satisfy the secured claim. If there is any deficiency, the balance due will be treated as an unsecured debt. This creditor will not be paid as a secured creditor.

**viii. Farm Credit East, ACA**

Farm Credit East, ACA has filed a Proof of Claim as a secured Proof of Claim in the Anthony M. Mortellite, Jr. and Colleen Mortellite bankruptcy case (claim number 7) in the amount of \$1,663,352.46, claiming a security interest by virtue of a mortgage on the farm, lien on crops, a lien on accounts receivable, and a second lien on machinery and equipment. Farm Credit East, ACA has filed a secured claim in the Blues Brothers, LLC bankruptcy (claim number 3) in the amount of \$1,663,352.46, claiming a lien on crops, accounts receivable and inventory. Farm Credit East, ACA has recognized that United States of America acting through USDA-Farm Service Agency has a first security interest on machinery and equipment, with the Farm Credit East, ACA lien on machinery and equipment in second position. The Chapter 12 Plan requires the fixing of the allowed secured claim of Farm Credit East, ACA against the Debtors, Anthony M. Mortellite, Jr. and Colleen Mortellite and against the Debtor, Blues Brothers, LLC. Anthony M. Mortellite, Jr. and Colleen Mortellite and Blues Brothers, LLC are jointly and severally responsible for the debt owed to Farm Credit East, which they have claimed in the amount of \$1,663,352.46 in each of the cases. The Debtors are asserting that the allowed secured claim will be substantially lower in amount than \$1,663,352.46, and will ask the Court to

fix the allowed amount of the claim. The Debtors have a real estate appraisal for the farm property valuing the farm property at \$600,000.00. The Court will be asked to fix the value of the machinery and equipment after taking into account the value of machinery and equipment being turned over to the USDA, which has the first lien on said machinery and equipment. The Debtors will have paid adequate protection payments to Farm Credit East of \$130,000.00 by the time that the confirmation hearing is scheduled on October 5, 2017. Farm Credit East will retain its liens on the Debtors' real estate, equipment not turned over to USDA, accounts receivable and crops. The Court will fix the allowed amount of the secured claim of Farm Credit East, and that allowed amount of secured claim will be paid, plus accruing interest at 5% per annum, or such amount as is the contract rate of interest on the loans to the Debtors, in the amount of \$100,000.00 per year, with the first payment of \$100,000.00 to be paid on the anniversary date of the Order Confirming Plan and each anniversary date thereafter, until the entire amount of the allowed secured claim plus accruing interest is paid in full. Each \$100,000.00 payment will be applied first toward accrued interest, and then to reduce the principal. After the entire amount of the secured claim is paid in full, Farm Credit East shall satisfy its liens on all of the Debtors' collateral.

**B. Secured Claims Against Blues Brothers, LLC**

**i. Kubota Credit Corp.**

Kubota Credit Corp. filed secured claim number 7 in the Blues Brothers, LLC bankruptcy pursuant to a lien on a Kubota M8540. The Debtor will surrender the equipment, and this will satisfy the secured claim. If there is any deficiency, the balance due will be treated as an unsecured debt. This creditor will not be paid as a secured creditor.

**ii. Farm Credit East, ACA**

Farm Credit East, ACA has filed claim number 3 as a secured claim, claiming a lien on crops, accounts receivable and inventory in the same amount as the claim of Farm Credit East, ACA filed against Anthony M. Mortellite, Jr. and Colleen Mortellite. The Debtors, Blues Brothers, LLC and Anthony M. Mortellite, Jr. and Colleen Mortellite, are co-obligors on the same debt due to Farm Credit East, ACA. Farm Credit East, ACA will receive the same treatment as set forth for Farm Credit East, ACA with respect to its claim against Anthony M. Mortellite, Jr. and Colleen Mortellite.

**iii. Deere & Company**

Deere & Company obtained an Order Granting Relief from Stay, and as a result thereof, repossessed equipment that was the subject of their lien. When Deere & Company sells the repossessed equipment, Deere & Company will have only a unsecured claim against Blues Brothers, LLC and also against the individuals on account of their guarantee. They will not be paid as a secured creditor.

**C. Priority Unsecured Claims as Defined in 11 U.S.C. § 507**

**i. The Chapter 12 Trustee's Fees and Expenses**

The Chapter 12 Trustee in this case is a private case-by-case trustee that was appointed pursuant to 11 U.S.C. § 1202(a), and *not* a standing chapter 12 trustee appointed by the United States Trustee pursuant to 28 U.S.C. § 586(b). As such, the Chapter 12 Trustee's compensation is governed by 11 U.S.C. § 326(b) which provides in relevant part:

In a case under chapter 12... of this title, the court... may allow reasonable compensation under section 330 of this title of a trustee appointed under section 1202(a)... for the trustee's services, payable after the trustee renders such services, not to exceed five percent upon all payments under the plan.

11 U.S.C. § 326(b). Once the Court has made an award of compensation to the Chapter 12 Trustee pursuant to 11 U.S.C. § 330, said award will be an administrative priority claim against the Debtors pursuant to 11 U.S.C. §§ 503(b)(2) and 507(a)(2).

Under this Plan, the Chapter 12 Trustee must file an application for allowance of final compensation and reimbursement of expenses pursuant to 11 U.S.C. § 330 not later than ninety (90) days after the confirmation Order is entered. The Chapter 12 Trustee has estimated that her fees and expenses are approximately \$15,000.00. Once the Court has made an award of compensation to the Chapter 12 Trustee pursuant to 11 U.S.C. § 330, the Debtors shall pay the Chapter 12 Trustee the full amount of its Section 507(a)(2) priority claim from its future income from on-going operations, and in accordance with the following payment schedule: in full within thirty days of the Court allowing the claim of the Chapter 12 Trustee.

**ii. Kasen & Kasen's Fees and Expenses**

Kasen & Kasen shall file an interim fee application prior to the date of the hearing on confirmation, which is presently scheduled for October 5, 2017 at 10:00 a.m. If there are funds available upon confirmation of the case to pay Kasen & Kasen in full the allowed amount of fees and expenses, then such sums shall be paid by the Debtors. If there are no funds available at the time of confirmation to pay the fees and expenses allowed, then Kasen & Kasen will agree to a different treatment of its allowed administrative priority claim with the Debtors. Kasen & Kasen reserves the right to make post-confirmation applications for services rendered after the date of the filing of its initial interim fee application.

**iii. Priority Tax Claims**

Priority tax claims were filed in the Anthony M. Mortellite, Jr. and Colleen Mortellite case by both the Internal Revenue Service and the State of New Jersey, Division of Taxation. They have amended their Proofs of Claim, and now the Internal Revenue Service has a priority tax claim with zero liability filed, and the State of New Jersey, Division of Taxation has a priority tax claim with zero liability filed.

The State of New Jersey, Division of Taxation has a priority tax claim in the Blues Brothers, LLC case in the amount of \$1,371.75.

The Debtors will pay allowed priority tax claims in full on the effective date of the plan.

**D. General Unsecured Claims**

To date, the following creditors are deemed to hold valid unsecured claims against the Debtors in the Anthony M. Mortellite, Jr. and Colleen Mortellite case:

Claim 8	Capital One	\$ 8,909.13
Claim 10	Capital One	\$ 1,716.74
Claim 12	Kubota Credit Corp.	\$ 28,910.05
Claim 17	Mid-Lantic Labeling & Packaging	\$ 41,203.89
Claim 18	Wells Fargo Bank, N.A.	\$ 2,039.87
Claim 20	Portfolio Recovery Associates	\$ 5,592.54
Claim 21	Lance Henry	\$292,357.12
Claim 22	Capital One Bank	\$ 965.58
Total		\$381,694.92

To the extent that the following creditors are allowed unsecured claims for



deficiencies or are undersecured, they may add to the list of allowed unsecured claims above. They are claim number 1, Americredit Financial Services, Inc.; claim number 7, Farm Credit East; claim number 9, Wells Fargo Bank, N.A.; claim number 14, CNH Industrial Capital; and claim number 15, Kubota Credit Corp.

Under this Plan, the Debtors shall pay to allowed unsecured creditors of Anthony M. Mortellite, Jr. and Colleen Mortellite, on a pro-rata basis, \$3,000.00 per year for three years, payable on the first, second and third year anniversaries of the Order Confirming Plan.

As noted above, those creditors that fail to file proofs of claim by the deadlines provided for in Fed. R. Bankr. P. 3002 shall not be entitled to any distribution under the Plan, and upon the Debtors' discharge, said claims shall be deemed legally void.

To date, the following creditors are deemed to hold valid allowed unsecured claims against Blues Brothers, LLC:

Claim 2	Kubota Credit Corp.	\$28,910.05
Claim 4	Lee Rain, Inc.	\$ 2,385.57
Claim 8	Deere & Co.	\$ <u>***</u>
Total		\$ 31,295.62

\*\*\*Any deficiency allowed after sale of collateral.

To the extent that the following creditors are allowed unsecured claims for deficiencies or are undersecured, they may add to the list of allowed unsecured claims above. They are claim number 3, Farm Credit East; and claim number 7, Kubota Credit Corp.

Under this plan, Debtors shall pay to unsecured creditors of Blues Brothers, LLC

on a pro rata basis \$3,000.00 per year for three years, payable on the first, second and third anniversaries of the Order Confirming Plan.

Since unsecured creditors are entitled to receive all of the Debtors' projected disposable income to be received in the three year period beginning on the date that the first payment is due under the plan, the Debtors, Blues Brothers, LLC and Anthony and Colleen Mortellite will submit to the Chapter 12 Trustee on the first, second and third anniversary of the effective date of the plan an accounting showing what the Debtors believe is their projected disposable income, and to the extent that such projected disposable income exceeds in each case \$3,000.00 per year, then the Debtors will additionally pay such income over and above the payment of the aforesaid \$3,000.00 per year within thirty days. If there is a dispute over the actual disposable income received and the Debtors' accounting of disposable income, then the Chapter 12 Trustee or any creditor may bring the matter before the Court to determine what is the actual disposable income for each of the Debtors in the three years beginning on the date that the first payment was due under the plan.

A Proof of Claim was filed by Lance Henry on September 28, 2017 in the amount of \$292,357.12 as an unsecured claim, and \$137,747.93 as a post-petition claim. This creditor was granted relief from stay so that he could pursue his claims in the State Court to the extent of insurance coverage. The Debtor intends to object to this Proof of Claim because, in the opinion of the Debtor, if the claimant has an allowed claim, it is all pre-petition because it allegedly stems from flooding on the claimant's land, which the claimant asserts came from the Debtor's property. If there is an allowed claim, that flooding occurred pre-petition, and thus, there should be no allowed post-petition claim.

Additionally, there is insurance coverage for the claimant's pre-petition claim.

**E. Equity Security Holders and Partners**

Anthony M. Mortellite, Jr. and Colleen Mortellite would be considered to be the equity security holders of Blues Brothers, LLC. They will retain their ownership interest. They will receive no distribution from Blues Brothers, LLC. Anthony M. Mortellite, Jr. and Colleen Mortellite, as Debtors, are considered to be the equity security holders in their individual Chapter 12 case. They will retain their assets. They will receive no distribution pursuant to the Plan. The individual Debtors will take no more than \$6,000.00 per month post-confirmation in order to pay their ordinary and necessary living expenses.

**IV. PAYMENTS TO BE MADE OUTSIDE THE PLAN**

The Debtors shall use their future income from on-going operations to meet all of their post-confirmation obligations not otherwise provided for herein.

**V. EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

None.

**VI. EFFECT OF CONFIRMATION OF PLAN**

§ 1227 of the Bankruptcy Code defines the effect of confirmation.

**VII. PRE-CONFIRMATION MODIFICATION OF PLAN**

Pursuant to § 1223 of the Bankruptcy Code, the Debtors may modify the Plan before confirmation.

**VIII. POST-CONFIRMATION MODIFICATION OF PLAN**

In accordance with 11 U.S.C. § 1229, this Plan may be modified any time after confirmation but before the Debtors complete all of their Plan payments provided for herein.

**IX. DISCHARGE**

Pursuant to 11 U.S.C. § 1228(a), after the Debtors complete all of their Plan payments provided for herein and provide a certification in support thereof, they shall receive a discharge. Upon receiving their discharge, unless otherwise provided herein, all pre-petition claims against the Debtors shall be legally void.

/s/ Anthony M. Mortellite, Jr.  
ANTHONY M. MORTELLITE, JR., Debtor

/s/ Colleen Mortellite  
COLLEEN MORTELLITE, Debtor

BLUES BROTHERS, LLC

By: /s/ Anthony M. Mortellite, Jr.  
ANTHONY M. MORTELLITE, JR.,  
Managing Member

Dated: October 2, 2017

In re:  
Anthony M Mortellite, Jr  
Colleen T Mortellite  
Debtors

Case No. 17-21818-ABA  
Chapter 12

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
Form ID: pdf902

Page 1 of 3  
Total Noticed: 75

Date Rcvd: Oct 17, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 19, 2017.

db/jdb  
aty  
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+Anthony M Mortellite, Jr, Colleen T Mortellite, 564 11th St., Hammonton, NJ 08037-8468  
+Trenk DiPasquale Della Fera & Sodono, PC, 427 Riverview Plaza, Trenton, NJ 08611-3420  
+Americredit Financial Services, Inc., d/b/a GM Fin, 4000 Embarcadero Dr.,  
Arlington, TX 76014-4101  
+Arvest Central Mortgage Company, Stern & Eisenberg, PC, 1040 North Kings Highway, Suite 407,  
Cherry Hill, NJ 08034-1925  
+Blues Brothers, LLC, c/o Kasen & Kasen, 1874 E. Marlton Pike, Suite 3,  
Cherry Hill, NJ 08003-2038  
+Deere & Company, PO Box 6600, Johnston, IA 50131-6600  
+Edwin Kay, Kay & Associates, Inc., 107 East Commerce St., Bridgeton, NJ 08302-2601  
+Farm Credit East, ACA, c/o Stark & Stark, P.C., 993 Lenox Drive,  
Lawrenceville, NJ 08648-2316  
+Lance Henry, 103 Waterford Rd, Hammonton, NJ 08037-2330  
+Lee Rain, Inc., 2079 Wheat Road, Vineland, NJ 08361-2594  
+Township of Winslow, c/o Platt & Riso, P.C., 40 Berlin Road, Stratford, NJ 08084-1404  
+Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer S, 1451 Thomas Langston Rd.,  
Winterville, NC 28590-8872  
+AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853  
(address filed with court: AmeriCredit Financial Services, Inc., dba GM Financial,  
4000 Embarcadero Dr., Arlington, Texas 76014)  
+AmeriCredit Financial Services, Inc., dba GM Financial, Morton & Craig, LLC,  
110 Marter Avenue, Suite 301, Moorestown, NJ 08057-3125  
+AmeriCredit Financial Services, Inc., dba GM Finan, P O Box 183853,  
Arlington, TX 76096-3853  
+Americredit Financial Services, Inc. dba GM Financ, P O Box 183853,  
Arlington, TX 76096-3853  
+Arvest Central Mortgage Company, 801 John Barrow Rd., Suite 1, Little Rock, AR 72205-6511  
+Blues Brothers, LLC, 564 11th St., Hammonton, NJ 08037-8468  
+CAS Pack Corporation, 1750 Woodhaven Drive, Bensalem, PA 19020-7108  
+CNH Industrial Capital America LLC, PO Box 3600, Lancaster, PA 17604-3600  
+Capital One Bank, Bankruptcy Department, P.O. Box 30285, Salt Lake City, UT 84130-0285  
+Capital One Bank USA, NA, PO Box 71083, Charlotte, NC 28272-1083  
+Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701  
+Cavalry SPV I, LLC, Bass & Associates, P.C., 3936 E Ft. Lowell Road Suite #200,  
Tucson, AZ 85712-1083  
+Deere & Company, d/b/a Deere Financial, PO Box 6600, Johnston, IA 50131-6600  
+Deere & Company, Joseph A. McCormick, Jr., P.A., 76 Euclid Ave,  
Haddonfield, NJ 08033-2330  
+DiMeo, Frank, 561 Middle Rd., Hammonton, NJ 08037-8991  
+DiMeo, William and Frank, 600 Middle Rd., Hammonton, NJ 08037-8912  
+Ernest R. Miles Construction Co., P.O. Box 39, Newfield, NJ 08344-0039  
+Farm Credit East, 29 Landis Ave., Bridgeton, NJ 08302-4396  
+Farm Credit East, ACA, c/o Stark & Stark, P.C., PO Box 5315, Princeton, NJ 08543-5315  
+Farm Credit East, ACA fka First Pioneer, c/o Hulse & Wynter, LLC,  
1624 Jacksonville Rd., Suite 1, Burlington, NJ 08016-9784  
+Farm-Rite, Inc., P.O. Box 29, Shiloh, NJ 08353-0029  
+First National Credit Card, P.O. Box 5097, Sioux Falls, SD 57117-5097  
+Fruitwood Apiaries, Inc., 419 Elk Rd., Monroeville, NJ 08343-2706  
+GM Financial, P.O. Box 78143, Phoenix, AZ 85062-8143  
+Gammel Todd & Merenich, P.A., 767 Shore Rd., P.O. Box 296, Linwood, NJ 08221-0296  
+Henry, Lance, 103 Waterford Blue Anchor Rd., Hammonton, NJ 08037  
+Jay B. Feldman, Esquire, Hulse & Wynter, LLC, 1624 Jacksonville Rd., Suite 1,  
Burlington, NJ 08016-9784  
+Kubota Credit Corporation, KML Law Group PC, Sentry Office Plaza,  
216 Haddon Avenue, Suite 206, Westmont, NJ 08108  
+Kubota Credit Corporation, PO Box 9013, Addison, Texas 75001-9013  
+Kubota Credit Corporation (DF), c/o Alternative Collections, LLC, 1140 Wehrle Drive,  
Williamsville, NY 14221-7748  
+Kubota Credit Corporation, USA, Servicing Center, 4400 Amon Carter Blvd., Suite 100,  
Fort Worth, TX 76155-2695  
+Lance Henry, Corbett Law Firm LLC, 303 Walnut Avenue, Evesham, NJ 08053-7016  
+Lee Rain, Inc., 2079 E. Wheat Rd., Vineland, NJ 08361-2594  
+Lee Rain, Inc., Gruccio Pepper, 817 Landis Avenue, PO Box 1501, Vineland, NJ 08362-1501  
+Luxury Card, Card Services, P.O. Box 13337, Philadelphia, PA 19101-3337  
+Mid-lantic Labeling and Packaging, LLC, PO Box 1222, Hammonton, NJ 08037-5222  
+Plant Food Co., Inc., 38 Hightstown-Cranbury Station Rd., Cranbury, NJ 08512-5099  
++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
TRENTON NJ 08646-0245  
(address filed with court: State of New Jersey, Division of Taxation, P.O. Box 245,  
Trenton, NJ 08695-0245)  
+South Jersey Sanitation, P.O. Box 1224, Hammonton, NJ 08037-5224  
+Target Card Services, P.O. Box 660170, Dallas, TX 75266-0170

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Page 2 of 3  
Total Noticed: 75

Date Rcvd: Oct 17, 2017

516922201 +Township of Winslow, c/o Platt & Riso, P.C., 40 Berlin Avenue,  
Stratford, New Jersey 08084-1404  
516873108 +U.S. Department of Agriculture, Farm Service Agency, 1971 Jacksonville-Jobstown Rd.,  
Columbus, NJ 08022-1412  
516983749 +United States of America, acting through, USDA-Farm Service Agency, US Attorney's Office,  
970 Broad Street, Suite 700, Newark, NJ 07102-2534  
516873109 +Wells Fargo Bank N.A., John G. Stumpf, Chairman, Pres. & CEO, 420 Montgomery Street,  
San Francisco, CA 94104-1298  
516969080 Wells Fargo Bank N.A., d/b/a Wells Fargo Dealer Se, PO Box 19657, Irvine, CA 92623-9657  
517076330 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438  
516960772 +Wells Fargo Bank, N.A., d/b/a/ Wells Fargo Dealer Services, John R. Morton, Jr., Esquire,  
110 Marter Avenue, Suite 301, Moorestown, NJ 08057-3124  
516960773 +Wells Fargo Bank, N.A., d/b/a/ Wells Fargo Dealer Services, 1451 Thomas Langston Rd.,  
Winterville, NC 28590-8872  
516873110 +Wells Fargo Dealer Services, P.O. Box 17900, Denver, CO 80217-0900  
516873111 +Wells Fargo Financial National Bank, P.O. Box 10347, Des Moines, IA 50306-0347  
516873112 +Winfield Solutions, LLC, c/o Steven J. Daroci, Esquire, Fox Rothschild, P.O. Box 5231,  
Princeton, NJ 08543-5231  
517120975 +Winfield Solutions, LLC c/o Fox Rothschild LLP, 997 Lenox Dr., Bldg 3,  
Lawrenceville NJ 08648-2317  
516873113 +Winslow Township Tax Collector, 125 S. Route 73, Braddock, NJ 08037-9423

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
smg E-mail/Text: usanj.njbankr@usdoj.gov Oct 17 2017 22:36:06 U.S. Attorney, 970 Broad St.,  
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Oct 17 2017 22:36:02 United States Trustee,  
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
Newark, NJ 07102-5235

516921397 +E-mail/Text: cio.bncmail@irs.gov Oct 17 2017 22:35:40 Department of Treasury,  
Internal Revenue Service, P O Box 7346, Philadelphia, PA 19101-7346  
516873084 +E-mail/PDF: gecsed@recoverycorp.com Oct 17 2017 22:37:58 Dick's/Synchrony Bank/ROS,  
Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060  
516873097 +E-mail/PDF: gecsed@recoverycorp.com Oct 17 2017 22:37:58 JC Penney/Synchrony Bank,  
Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060  
516873098 +E-mail/Text: bnckohl@notices@becket-lee.com Oct 17 2017 22:35:30 Kohl's, P.O. Box 2983,  
Milwaukee, WI 53201-2983  
516873102 +E-mail/PDF: gecsed@recoverycorp.com Oct 17 2017 22:38:37 Lowe's Business Acct/Syns,  
Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060  
517084554 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Oct 17 2017 22:56:58  
Portfolio Recovery Associates, LLC, c/o Mastercard Black, POB 41067, Norfolk VA 23541  
516875431 +E-mail/PDF: gecsed@recoverycorp.com Oct 17 2017 22:38:17 Synchrony Bank,  
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
516873107 +E-mail/PDF: gecsed@recoverycorp.com Oct 17 2017 22:38:37 TJX/Synchrony Bank,  
Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060

TOTAL: 10

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

acc C.M.Williams & Associates, LLC, 219 State Street, Elmer  
517006552\* +Kubota Credit Corporation, PO Box 9013, Addison, Texas 75001-9013  
516922651\* +Winslow Township Tax Collector, 125 S. Route 73, Braddock, NJ 08037-9423

TOTALS: 1, \* 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 19, 2017

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

District/off: 0312-1

User: admin  
Form ID: pdf902

Page 3 of 3  
Total Noticed: 75

Date Rcvd: Oct 17, 2017

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 2, 2017 at the address(es) listed below:

Andrea Dobin on behalf of Trustee Andrea Dobin adobin@trenklawfirm.com  
Andrea Dobin ecftrusteead@trenklawfirm.com, NJ55@ecfcbis.com  
CheryllLynn Walters on behalf of Creditor Township of Winslow cwalters@prlawoffice.com  
David A. Kasen on behalf of Debtor Anthony M Mortellite, Jr dkasen@kasenlaw.com  
David A. Kasen on behalf of Debtor Blues Brothers, LLC dkasen@kasenlaw.com  
David A. Kasen on behalf of Joint Debtor Colleen T Mortellite dkasen@kasenlaw.com  
David A. Kasen on behalf of Unknown Role Type Blues Brothers, LLC dkasen@kasenlaw.com  
Denise E. Carlson on behalf of Creditor Kubota Credit Corporation dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Eamonn O'Hagan on behalf of Creditor United States Department of Agriculture - Farm Service Agency eamonn.ohagan@usdoj.gov  
Erin Darden on behalf of Creditor United States of America erin.darden@usdoj.gov  
Jenny R. Kasen on behalf of Debtor Anthony M Mortellite, Jr jkasen@kasenlaw.com, dkasen@kasenlaw.com  
Jenny R. Kasen on behalf of Joint Debtor Colleen T Mortellite jkasen@kasenlaw.com, dkasen@kasenlaw.com  
Jenny R. Kasen on behalf of Debtor Blues Brothers, LLC jkasen@kasenlaw.com, dkasen@kasenlaw.com  
John E. Corbett on behalf of Creditor Lance Henry jecorbett@corbettlaw.net  
John R. Morton, Jr. on behalf of Creditor Americredit Financial Services, Inc., d/b/a GM Financial ecfmail@mortoncraig.com, mortoncraigecef@gmail.com  
John R. Morton, Jr. on behalf of Creditor Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer Services ecfmail@mortoncraig.com, mortoncraigecef@gmail.com  
Joseph A McCormick, Jr. on behalf of Creditor Deere & Company jmccormick@mccormicknjlaw.com, karen@mccormicknjlaw.com;Lorraine@mccormicknjlaw.com;Kathleen@mccormicknjlaw.com;Karen@mccormicknjlaw.com  
Marshall T. Kizner on behalf of Creditor Farm Credit East, ACA mkizner@stark-stark.com  
Ross J. Switkes on behalf of Trustee Andrea Dobin rswitkes@trenklawfirm.com  
Timothy P. Duggan on behalf of Creditor Farm Credit East, ACA tduggan@stark-stark.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov  
Walter F. Gavigan, Jr. on behalf of Creditor Lee Rain, Inc. wgavigan@grucciopepper.com, jlynch@grucciopepper.com;r53898@notify.bestcase.com  
William E. Craig on behalf of Creditor Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer Services mortoncraigecef@gmail.com, mortoncraigecef@gmail.com

TOTAL: 23